

## Message Text

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PAGE 01 BORDEA 00123 201040Z

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ACTION SCSE-00

INFO OCT-01 ISO-00 /001 W

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R 201200Z JUL 76

FM AMCONSUL BORDEAUX

TO SECSTATE WASHDC 0521

INFO AMEMBASSY PARIS

UNCLAS BORDEAUX 0123

E.O. 11652 N/A

TAGS: OGEN,FR

SUBJECT: ADVISORY OPINION ON AFFIDAVIT WITH EVIDENCE DESTINED  
FOR U.S. DISTRICT COURT.

1. MR. GABRIEL DULONG , FRENCH CITIZEN , (SPEAKS NO ENGLISH,  
BUT CLAIMS READ AND UNDERSTAND IT) BROUGHT A DOCUMENT TO CONSULATE  
FOR ATTACHMENT OF AFFIDAVIT. THE DOCUMENT (21 PAGES IN ENGLISH)  
IS HEADED U.S. DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK.  
INDEX NO. 76 CIV . 964 (IBW). FRENCH-AMERICAN BANKING CORPORATION  
, PLAINTIFF, AGAINST DULONG FRERES AND FILS, S.A., GABRIEL DULONG,  
DEFENDANTS. ANSWERS OF DEPENDANTS TO PLAINTIFF S FIRST SET OF  
INTERROGATORIES DATED APRIL 1, 1976. THE DOCUMENT THEN CONTINUES  
THRU INTERROGATORY 36.

2. MR. DULONG STATES THAT HE SUPPLIED ANSWERS TO HIS ATTORNEY  
IN U.S., MR. GARY L. MADDOCK, OF MILLER AND SUMMIT, 90 BROAD  
STREET, NEW YORK, N.Y. 10004, TEL WHITEHALL 3-8085, WHO THEN  
SENT COMPLETED AND TYPED INTERROGATORIES AND ANSWERS FOR HIS  
SIGNATURE AND COMPLETION OF AFFIDAVIT. AFFIDAVIT TO BE ATTACHED  
IDENTIFIES MR. DULONG S POSITION, HIS COMMENT ON VERACITY OF  
FOREGOING ANSWERS, AND HOW AND WHY HE ARRIVED AT ANSWERS.

3. POST REQUESTS DEPT OPINION OF RENDERING AFFIDAVIT SERVICE  
I.E. SWORN STATEMENT BEFORE AMCONSUL) TO BE ATTACHED TO  
INTERROGATORIES FOR USE IN US COURT. ALTHOUGH NOT AN ACTUAL  
DEPOSITION OR LETTERS ROGATORY, POST QUESTIONS WHETHER ATTACHED  
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AFFIDAVIT COULD BE ERRONEOUSLY CONSTRUED TO INDICATE CONSULATE

HAS ASSISTED IN TAKING OF EVIDENCE.

4. SINCE OCT. 1974, HAGUE CONVENTION OF 1970 ON TAKING OF EVIDENCE ABROAD IN CIVIL AND COMMERCIAL MATTERS HAS BEEN IN FORCE IN FRANCE. DOCUMENT IN QUESTION WOULD CERTAINLY APPEAR TO BE GATHERING OF EVIDENCE FOR USE IN US COURT, BUT NOT IN ACCORDANCE WITH ESTABLISHED PROCEDURES OF CONVENTION. THUS, OUR DESIRE TO HAVE YOUR OPINION ON PERFORMING RELATED AFFIDAVIT SERVICE.

5. SINCE MR. DULONG STATES DOCUMENT IS URGENTLY NEEDED IN US, WOULD APPRECIATE DEPT S OPINION ASAP.  
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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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